

REMARKS

35 U.S.C. § 103 Claim Rejections

By the Office Action dated October 30, 2003, the Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Duvall et al., U.S. Patent No. 5,884,033 (hereinafter Duvall) in view of Russell-Falla et al., U.S. Patent No. 6,266,664 (hereinafter Russell-Falla). In order to form a proper obviousness rejection of a claim under 35 U.S.C. § 103(a), a collection of references together must teach or suggest each element of the claim, including the relationships between the elements. If any element is not fully taught by the combined references, the rejection cannot be sustained.

Evaluating Duvall in view of Russell-Falla in this light, it is appropriate to examine the portions of Duvall in view of Russell-Falla that the Examiner has pointed to as teaching the claimed elements of the rejected claims.

Claims 1-16, and 18-20

The Examiner has asserted that

[a]s per claims 1 and 18-20, Duvall teaches a method of (see Fig.3 and 4), a system comprising means for (see title), a computer program product comprising code for (see col.2, lines 1-11), and a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for (see Fig.2; col.1, lines 59-60; and col.3, lines 44-49), monitoring communication on a computer network (see col.1, lines 30-35) between at least two client computers connected by the network (see Fig.1 and col.2, lines 34-38) comprising: providing a database of keywords (see col.1, lines 30-35 and col.8, lines 48-61), each of said keywords linked to a predefined rating (see abstract: 'match'; and col.1, lines 35-40); monitoring communication on a computer network (see col.1, lines 30-35) between at least two client computers connected by the network (see Fig.1 and col.2, lines 34-38); detecting said keywords in the communication (see Fig.4,

#132 & #134 and col.1, lines 45-51); and determining for the communication a rating level based upon the predefined rating of said keywords (see col.5, lines 8-19 & 23-29).

(See Office Action, page 2, paragraph 4.) Then, the Examiner admitted that “Duvall does not explicitly teach that the communication is in real-time.” (See Office Action, page 3.)

The Examiner then asserted that “Russell-Falla teaches of a communication is in real-time (see col.2, lines 53-56).” (See Office Action, page 3) Finally, the Examiner asserted that

[(1)] [i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Russell-Falla within the system of Duvall by implementing communication in real-time within the computer network communication monitoring system, method, and program because Russell-Falla teaches that ‘web page’ are a ‘real-time media stream’ (see Russell-Falla: abstract) and Duvall teaches of accessing ‘web pages’ within the invention (see Duvall: col.7, line 3) . . . [and, (2)] [t]herefore, since Duvall teaches of web pages, one of ordinary skill in the art would include real-time communication within the system of Duvall.

(See Office Action, page 3.)

Claim 1

To the extent the Examiner's language at pages 2 and 3 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Duvall and Russell-Falla and claim 1:

<u>Claim 1</u>	<u>Duvall</u>	<u>Russell-Falla</u>
A method of monitoring <i>real time</i> communication on a computer network between at least two client	<u>Duvall</u> does not teach this claim feature.	<u>Russell-Falla</u> does not teach this claim feature.

computers connected by the network comprising: providing a database of keywords, each of said keywords linked to a predefined <i>rating</i> ;	<u>Duvall</u> does not teach this claim element.	-
monitoring <i>real time</i> communication on a computer network between at least two client computers connected by the network;	<u>Duvall</u> does not teach this claim element.	<u>Russell-Falla</u> does not teach this claim element.
detecting said keywords in the <i>real time</i> communication; and	<u>Duvall</u> does not teach this claim element.	<u>Russell-Falla</u> does not teach this claim element.
determining for the <i>real time</i> communication a rating level based upon the predefined rating of said keywords.	<u>Duvall</u> does not teach this claim element.	<u>Russell-Falla</u> does not teach this claim element.

In reviewing the cited portions of Duvall and Russell-Falla, however, it becomes apparent that Duvall and Russell-Falla have been generalized, and, in fact, does not support the position asserted by the Examiner.

**monitoring *real time* communication on a computer network
between at least two client computers connected by the network**

In particular, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest “monitoring *real time* communication on a computer network between at least two client computers connected by the network”, as required by claim 1. Since the Examiner admitted that Duvall does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 1 element of “monitoring *real time* communication on a

computer network between at least two client computers connected by the network”. Russell-Falla also fails to teach or suggest the claim 1 element of “monitoring *real time* communication on a computer network between at least two client computers connected by the network” for several reasons. For example, although Russell-Falla discloses “real-time *identification* of instances of particular selected categories of content” (See Russell-Falla, col. 2, lines 50-56.), Russell-Falla does not teach or suggest monitoring real-time *communication*, as required by claim 1. In fact, Russell-Falla discloses monitoring static, *not real-time*, communication, such as web pages and “digital records or datasets other than web pages, for example files, directories and email messages”. (See Russell-Falla, col. 2, lines 41-56 and col. 3, lines 30-34.) Therefore, Russell-Falla teaches away from the claim 1 element of “monitoring *real time* communication on a computer network between at least two client computers connected by the network” by only disclosing monitoring static, *not real-time*, communication. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the claim 1 element of “monitoring *real time* communication on a computer network between at least two client computers connected by the network”.

detecting said keywords in the *real time* communication

Also, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest “detecting said keywords in the *real time* communication”, as required by claim 1. Since the Examiner admitted that Duvall does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 1 element of “detecting said keywords in the *real time* communication”. Russell-Falla also fails to teach or suggest the claim 1 element of “detecting said keywords in the *real time* communication” for several reasons. For example, although Russell-Falla discloses “real-time *identification* of instances of particular selected categories of content” (See Russell-Falla, col. 2, lines 50-56.), Russell-Falla does not teach or suggest detecting expressions, or keywords, in a real-time *communication*, as required by claim 1. In fact, Russell-Falla discloses detecting expressions, or keywords, in static, *not real-time*, communication, such as web pages by “scanning the [web] page[, or static communication,] to identify the regular expressions, such as natural language textual portions of the page.” (See Russell-Falla, col. 2, lines 41-56 and col. 5, lines 5-7.) Therefore, Russell-Falla teaches away from the claim 1 element of

“detecting said keywords in the *real time* communication” by only disclosing detecting expressions, or keywords, in static, *not real-time*, communication. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the claim 1 element of “detecting said keywords in the *real time* communication”.

determining for the *real time* communication a rating level based upon the predefined rating of said keywords

In addition, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest “determining for the *real time* communication a rating level based upon the predefined rating of said keywords”, as required by claim 1. Since the Examiner admitted that Duvall does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 1 element of “determining for the *real time* communication a rating level based upon the predefined rating of said keywords”. Russell-Falla also fails to teach or suggest the claim 1 element of “determining for the *real time* communication a rating level based upon the predefined rating of said keywords” for several reasons. For example, although Russell-Falla discloses “real-time *identification* of instances of particular selected categories of content” (See Russell-Falla, col. 2, lines 50-56.), Russell-Falla does not teach or suggest determining a rating for a real-time *communication*, as required by claim 1. In fact, Russell-Falla discloses calculating a rating for static, *not real-time*, communication, such as web pages by “rating web pages relative to a selected characteristic.” (See Russell-Falla, col. 2, lines 41-56 and col. 4, lines 61-65.) Therefore, Russell-Falla teaches away from the claim 1 element of “determining for the *real time* communication a rating level based upon the predefined rating of said keywords” by only disclosing determining ratings static, *not real-time*, communication, such as web pages. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the claim 1 element of “determining for the *real time* communication a rating level based upon the predefined rating of said keywords”.

It is therefore clear that Duvall and Russell-Falla, alone or in combination, cannot teach or suggest each element of claim 1 and, therefore, a rejection of claim 1 under 35 U.S.C. § 103(a) is inappropriate.

Claim 2-16

Since dependent claims 2-16 depend on claim 1 and since Duvall and Russell-Falla, alone or in combination, cannot teach or suggest each element of claim 1, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest each element of claims 2-16, and, therefore, a rejection of claim 2-16 under 35 U.S.C. § 103(a) is inappropriate.

Claim 18

Since claim 18 is the system version of claim 1, with similar elements as claim 1, and since Duvall and Russell-Falla, alone or in combination, cannot teach or suggest each element of claim 1, Duvall and Russell-Falla, alone or in combination, similarly cannot teach or suggest each element of claim 18, and therefore, a rejection of claim 18, under 35 U.S.C. § 103(a) is inappropriate.

Claim 19

Since claim 19 is the computer program product version of claim 1, with similar elements as claim 1, and since Duvall and Russell-Falla, alone or in combination, cannot teach or suggest each element of claim 1, Duvall and Russell-Falla, alone or in combination, similarly cannot teach or suggest each element of claim 19, and therefore, a rejection of claim 19, under 35 U.S.C. § 103(a) is inappropriate.

Claim 20

Since claim 20 is the computer program product version of claim 1, with similar elements as claim 1, and since Duvall and Russell-Falla, alone or in combination, cannot teach or suggest each element of claim 1, Duvall and Russell-Falla, alone or in combination, similarly cannot teach or suggest each element of claim 20, and therefore, a rejection of claim 20, under 35 U.S.C. § 103(a) is inappropriate.

Claim 17

The Examiner has asserted that

[a]s per claim 17, Duvall teaches a method (see Fig.3 and 4) of monitoring communication on a computer network (see col.1, lines 30-35) between at least two client computers connected by the network (see Fig.1 and col.2, lines 34-38) comprising:

providing a communication monitoring system on a computer network including a database of keywords (see col.1, lines 30-35), each of said keywords linked to a predefined

rating (see abstract: 'match'; and col.1, lines 35-40); the system adapted to: i) monitor communication between at least two client computers connected by the network (see Fig.1; col.1, lines 30-35; and col.2, lines 34-38); ii) detect said keywords in the communication (see Fig.4, #132 & #134 and col.1, lines 45-51); and iii) determine for the real-time communication a rating level based upon the predefined rating of said keywords (see col. 5, lines 8-19 & 23-29); connecting a subsequent client computer to the network with the at least two client computers (see Fig.1); viewing at the subsequent client computer the rating level of the real-time communication between the at least two client computers (see col.1, lines 59-64 and col.4, lines 60-64); and connecting the subsequent client computer to the communication based upon the rating level (see col.4, lines 15-20).

(See Office Action, page 3, paragraph 1.) Then, the Examiner admitted that "Duvall does not explicitly teach that the communication is in real-time." (See Office Action, page 4.)

The Examiner then asserted that "Russell-Falla teaches of a communication is in real-time (see col.2, lines 53-56)." (See Office Action, page 4) Finally, the Examiner asserted that

[(1)] [i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Russell-Falla within the system of Duvall by implementing communication in real-time within the computer network communication monitoring system, method, and program because Russell-Falla teaches that 'web page' are a 'real-time media stream' (see Russell-Falla: abstract) and Duvall teaches of accessing 'web pages' within the invention (see Duvall: col.7, line 3) . . . [and, (2)] [t]herefore, since Duvall teaches of web pages, one of ordinary skill in the art would include real-time communication within the system of Duvall.

(See Office Action, page 4.)

Claim 17

To the extent the Examiner's language at pages 3 and 4 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Duvall and Russell-Falla and claim 17:

<u>Claim 17</u>	<u>Duvall</u>	<u>Russell-Falla</u>
A method of monitoring <i>real time</i> communication on a computer network between at least two client computers connected by the network comprising:	<u>Duvall</u> does not teach this claim feature.	<u>Russell-Falla</u> does not teach this claim feature.
providing a <i>real</i> <i>time</i> communication monitoring system on a computer network including a database of keywords, each of said keywords linked to a predefined rating;	<u>Duvall</u> does not teach this claim element.	<u>Russell-Falla</u> does not teach this claim element.
the system adapted to:	<u>Duvall</u> does not teach this claim feature.	<u>Russell-Falla</u> does not teach this claim feature.
i) monitor <i>real time</i> communication between at least two client computers connected by the network;	<u>Duvall</u> does not teach this claim feature.	<u>Russell-Falla</u> does not teach this claim feature.
ii) detect said keywords in the <i>real time</i> communication; and	<u>Duvall</u> does not teach this claim feature.	<u>Russell-Falla</u> does not teach this claim feature.
iii)	<u>Duvall</u> does not teach this	<u>Russell-Falla</u> does not

determine for the <i>real time</i> communication a rating level based upon the predefined rating of said keywords;	claim feature.	teach this claim feature.
connecting a subsequent client computer to the network without establishing <i>real time</i> communication with the at least two client computers;	-	-
viewing at the subsequent client computer the rating level of the <i>real time</i> communication between the at least two client computers; and	<u>Duvall</u> does not teach this claim element.	<u>Russell-Falla</u> does not teach this claim element.
connecting the subsequent client computer to the <i>real time</i> communication based upon the rating level.	<u>Duvall</u> does not teach this claim element.	<u>Russell-Falla</u> does not teach this claim element.

In reviewing the cited portions of Duvall and Russell-Falla, however, it becomes apparent that Duvall and Russell-Falla have been generalized, and, in fact, does not support the position asserted by the Examiner.

providing a *real time* communication monitoring system on a computer network including a database of keywords, each of said keywords linked to a predefined rating

In particular, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest “providing a *real time* communication monitoring system on a computer network

including a database of keywords, each of said keywords linked to a predefined rating”, as required by claim 17. Since the Examiner admitted that Duvall does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 17 element of “providing a *real time* communication monitoring system on a computer network including a database of keywords, each of said keywords linked to a predefined rating”. Russell-Falla also fails to teach or suggest the claim 17 element of “providing a *real time* communication monitoring system on a computer network including a database of keywords, each of said keywords linked to a predefined rating” for several reasons. For example, although Russell-Falla discloses “real-time *identification* of instances of particular selected categories of content” (See Russell-Falla, col. 2, lines 50-56.), Russell-Falla does not teach or suggest providing a *real-time* communication monitoring system, as required by claim 17. In fact, Russell-Falla discloses providing a monitoring system for static, *not real-time*, communication, such as web pages that enables “parents or guardians to exercise control over what web pages can be downloaded and viewed by their children.” (See Russell-Falla, col. 1, lines 30-35.) Therefore, Russell-Falla teaches away from the claim 1 element of “providing a *real time* communication monitoring system on a computer network including a database of keywords, each of said keywords linked to a predefined rating” by only disclosing providing a monitoring system for static, *not real-time*, communication. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the claim 17 element of “providing a *real time* communication monitoring system on a computer network including a database of keywords, each of said keywords linked to a predefined rating”.

**monitor *real time* communication between at least two
client computers connected by the network**

In addition, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest the claim feature “monitor *real time* communication between at least two client computers connected by the network”, as required by claim 17. Since the Examiner admitted that Duvall does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 17 feature of “monitor *real time* communication between at least two client computers connected by the network”. Russell-Falla also fails to teach or suggest the claim 17 feature of “monitor *real time* communication between at least two

client computers connected by the network” for the same reasons that Russell-Falla fails to teach or suggest the claim 1 element of “monitoring *real time* communication on a computer network between at least two client computers connected by the network”. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the claim 17 feature of “monitor *real time* communication between at least two client computers connected by the network”.

detect said keywords in the *real time* communication

Also, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest the claim feature “detect said keywords in the *real time* communication”, as required by claim 17. Since the Examiner admitted that Duvall does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 17 feature of “detect said keywords in the *real time* communication”. Russell-Falla also fails to teach or suggest the claim 17 feature of “detect said keywords in the *real time* communication” for the same reasons that Russell-Falla fails to teach or suggest the claim 1 element of “detecting said keywords in the *real time* communication”. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the claim 17 feature of “detect said keywords in the *real time* communication”.

determine for the *real time* communication a rating level based upon the predefined rating of said keywords

In addition, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest the claim feature “determine for the *real time* communication a rating level based upon the predefined rating of said keywords”, as required by claim 17. Since the Examiner admitted that Duvall does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 17 feature of “determine for the *real time* communication a rating level based upon the predefined rating of said keywords”. Russell-Falla also fails to teach or suggest the claim 17 feature of “determine for the *real time* communication a rating level based upon the predefined rating of said keywords” for the same reasons that Russell-Falla fails to teach or suggest the claim 1 element of “determining for the *real time* communication a rating level based upon the predefined rating of said keywords”. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the

claim 17 feature of “determine for the *real time* communication a rating level based upon the predefined rating of said keywords”.

**viewing at the subsequent client computer the rating level of the
real time communication between the at least two client
computers**

In particular, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest “viewing at the subsequent client computer the rating level of the *real time* communication between the at least two client computers”, as required by claim 17. Since the Examiner admitted that Duvall does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 17 element of “viewing at the subsequent client computer the rating level of the *real time* communication between the at least two client computers”. Russell-Falla also fails to teach or suggest the claim 17 element of “viewing at the subsequent client computer the rating level of the *real time* communication between the at least two client computers” for several reasons. For example, although Russell-Falla discloses “real-time *identification* of instances of particular selected categories of content” (See Russell-Falla, col. 2, lines 50-56.), Russell-Falla does not teach or suggest viewing at a subsequent client computer a rating level of a *real-time* communication, as required by claim 17. In fact, Russell-Falla discloses “a computer program for use in conjunction with a web browser client program for the purpose of rating [static, *not real time*,]web pages relative to a selected characteristic.” (See Russell-Falla, col. 4, lines 60-64.) Therefore, Russell-Falla teaches away from the claim 1 element of “viewing at the subsequent client computer the rating level of the *real time* communication between the at least two client computers” by only disclosing a rating system for static, *not real-time*, communication. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the claim 17 element of “viewing at the subsequent client computer the rating level of the *real time* communication between the at least two client computers”.

**connecting the subsequent client computer to the real time
communication based upon the rating level**

In particular, Duvall and Russell-Falla, alone or in combination, fail to teach or suggest “connecting the subsequent client computer to the *real time* communication based upon the rating level”, as required by claim 17. Since the Examiner admitted that Duvall

does not teach “that the communication is in real-time”, Duvall cannot teach or suggest the claim 17 element of “connecting the subsequent client computer to the *real time* communication based upon the rating level”. Russell-Falla also fails to teach or suggest the claim 17 element of “connecting the subsequent client computer to the *real time* communication based upon the rating level” for several reasons. For example, although Russell-Falla discloses “real-time *identification* of instances of particular selected categories of content” (See Russell-Falla, col. 2, lines 50-56.), Russell-Falla does not teach or suggest connecting a subsequent client computer to a *real-time* communication based upon a rating level, as required by claim 17. In fact, Russell-Falla discloses “a neural network approach [that] is used to assign weightings to each of the listed expressions [by using] . . . the experience of thousands of [static, *not real time*] examples, like web pages” (See Russell-Falla, col. 4, lines 15-20.) Therefore, Russell-Falla teaches away from the claim 1 element of “connecting the subsequent client computer to the *real time* communication based upon the rating level” by only disclosing a rating system for static, *not real-time*, communication. Therefore, Duvall and Russell-Falla, alone or in combination, cannot teach or suggest the claim 17 element of “connecting the subsequent client computer to the *real time* communication based upon the rating level”.

It is therefore clear that Duvall and Russell-Falla, alone or in combination, cannot teach or suggest each element and each feature of claim 17 and, therefore, a rejection of claim 17 under 35 U.S.C. § 103(a) is inappropriate.

Conclusion

It is therefore clear that claims 1-20 comply with the requirements of 35 U.S.C. §§ 102, 103, and 112. The application is therefore in condition for allowance. Early notification to that effect is respectfully solicited. In the event that any issue remains unresolved, the Examiner is invited to telephone the undersigned at 408-927-3377.

Respectfully Submitted,



Leonard T. Guzman

Reg. No. 46,308

Date: January 30, 2004

IBM Almaden Research Center
650 Harry Road
C45A/J2B
San Jose, CA 95120

Phone Number: 408-927-3377

Facsimile Number: 408-927-3375